

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

|                            |   |                         |
|----------------------------|---|-------------------------|
| TERRY LEE, ET AL.          | ) |                         |
|                            | ) |                         |
| Plaintiff                  | ) |                         |
|                            | ) |                         |
| v.                         | ) | Civil Action            |
|                            | ) | No. 3:99-CV-459         |
|                            | ) | Magistrate Judge Guyton |
| TENNESSEE VALLEY AUTHORITY | ) |                         |
|                            | ) |                         |
| Defendant                  | ) |                         |

**AMENDED FINAL JUDGMENT ON DECISION BY THE COURT**

Upon consideration of the stipulations of the parties [Doc. 49, 119], the prior Order dismissing the action as to some plaintiffs [Doc. 56], the Final Pretrial Order [Doc. 68], the evidence produced during the liability phase of this litigation in the bench trial on December 12, 2005, the findings and conclusions as to liability [Doc. 95], the evidence produced during the damages phase of this litigation, the findings and conclusions as to damages and injunctive relief [Doc. 120], which findings and conclusions are adopted and incorporated herein, and the parties' Joint Stipulation [Doc. 127], it is accordingly

**ORDERED** that the following remaining Plaintiffs' claims as to overtime are  
**DISMISSED WITH PREJUDICE:**

Maintenance Shop Coordinators C.J. "Red" Jordan and John W. King; General Craft Supervisors Bob Baldwin, Joseph Birch, Dennis E. Butler, James Calhoun, Jerry Campbell, John Canerday, Kenneth Davis, Dwight Wayne Farmer, Dennis Gibson, Ralph Glover, Alfred Grigsby, Gary Hurley, John T. Hilton, Eric Laurisden, Sam Moody, James "Jack" Morgan, Barry Mouser, Johnny Olsen, James H. Patterson, Gregory Pilkinton, Leon Smith, Raymond Scotty Terry, Charles Thompson, James Toombs, Robert Vaughan and J. C. Watson; SOS Instructors Denny Campbell, Ardie Champion, Terry Chinn, James C. Hall, Mike Martin, Randy Knight,

Raymond Scharff, and Ray Swafford; Maintenance Instructors Kenneth Brown, Tom Keeton, Joe Puckett, and David Reeves; Procedures Supervisor Tom Scott; and Work Week Managers Raymond Gallaher, Paul Harris, Eldorado McCauley and Jerry Wheeler;

It is further **ORDERED** that the following Plaintiffs are entitled to overtime compensation and liquidated damages in the amount set forth:

Sue Roddy is granted a judgment in the amount of \$79,663.30;

Steven M. Moon is granted a judgment in the amount of \$66,711.47;

Calvin T. Felton is granted a judgment in the amount of \$170,845.16;

Michael A. Benson is granted a judgment in the amount of \$143,304.00;

Michael D. O'Shaughnessy is granted a judgment in the amount of \$117,760.82;

Clifford W. Parks is granted a judgment in the amount of \$127,135.06;

John Crowell is granted a judgment in the amount of \$116,883.84;

Mike Frye is granted a judgment in the amount of \$406,108.35;

Phil Grooms is granted a judgment in the amount of \$190,184.66;

Merritt Haney is granted a judgment in the amount of \$83,370.00;

Terry W. Lee is granted a judgment in the amount of \$369,639.57;

James Roche is granted a judgment in the amount of \$321,965.66;

Rudy Jake Roussel is granted a judgment in the amount of \$418,798.83;

Ulysses White is granted a judgment in the amount, of \$455,415.32;

Jerry Cofield is granted a judgment in the amount of \$64,300.84;

William Mike Totten is granted a judgment in the amount of \$181,373.61;

Rick Bowling is granted a judgment in the amount of \$185,060.07;

Walt Christopher is granted a judgment in the amount of \$284,040.45;

Wade Garner calculates is granted a judgment in the amount of \$274,522.87;

Robert Phipps is granted a judgment in the amount of \$154,793.10;

Jerry Richardson is granted a judgment in the amount of \$47,212.73;

Willis Branton is granted a judgment in the amount of \$550,460.82;

Jack Watson is granted a judgment in the amount of \$83,529.91;

Stan Whitehurst is granted a judgment in the amount of \$289,456.06;

Tony Jones is granted a judgment in the amount of \$169,059.39;

Jerry McCullough is granted a judgment in the amount of \$196,091.76; and

Bobby Ron Shadrick is granted a judgment in the amount of \$108,297.30;

It is further

**ORDERED** that Defendant is hereby enjoined and restrained from failing to pay those Plaintiffs in this action performing the duties of Maintenance Shift Field Supervisors (Mike Frye, Gilbert Wade Garner, Phil Grooms, Robert Phipps, and Ulysses White) and Task Managers (James Roche and Rudy J. Roussel) time and one-half their hourly rate for any hour over 40 worked in a work week. Nothing in this Final Judgment shall be construed as to preclude TVA from asserting the “highly compensated employee” exemption as set forth in 29 C.F.R. §541.601 (2006) as to any of the positions at issue in this action, including but not limited to, the positions of Maintenance Shift Field Supervisor and Task Manager; it is further

**ORDERED** that Defendant shall pay additional attorneys fees and costs of \$154,158.99 to Cecilia S. Petersen; and it is further

**ORDERED** that the Defendant shall pay supplemental attorneys fees and costs of \$3,297.98. No interest shall be due on this supplemental fee award if payment is made within 14 business days of June 22, 2007.

This Final Judgment constitutes the Court’s final decision on the merits as to all claims of the Plaintiffs. Any claim of the Plaintiffs not addressed herein is dismissed with prejudice. This case is hereby Dismissed.

Dated at Knoxville, Tennessee, this 26<sup>th</sup> day of June, 2007.

/s/ Patricia L. McNutt

PATRICIA L. MCNUTT

CLERK OF COURT